

REMARKS

Claims 1-38 are pending with the response to this Office Action. The previous Office Action restricted further examination to one of five inventions:

- I. Claims 1-11, drawn to a method of matching
- II. Claims 12-21, drawn to rules based logic
- III. Claims 22-28, drawn to an input device query
- IV. Claims 29-33, drawn to rule based logic driven by input data
- V. Claim 34, drawn to a memory medium

The Applicant elected Group I claims (claims 1-11) without traverse. However, the restriction did not group claim 35 with any of the five groups even though claim 35 was included in the specification as originally filed. The Applicant requests that claim 35 be included in one of the five identified groups.

Claims 1-11 are rejected. Claims 12-34 are withdrawn from consideration. The Applicant is adding claims 36-38.

Other claim amendments

The Applicant has amended claim 1 to delete “the steps of” and claims 4-6 and 10-11 to delete “step”. The amendments are supported by the specification as originally filed.

Claim Rejections – 35 USC § 102

Claims 1-3, 5, 6, and 9-11 are rejected by the Office Action under 102(b) as being anticipated by US 5,930,769 (Rose). The Office Action alleges that Rose discloses the feature of “identifying a set of rules for selecting **clothing combinations**”. (Emphasis added.) Rose, as cited by the Office Action, merely teaches (Column 8, lines 52-57. Emphasis added.)

The system optionally has a fashion reflection submenu which outputs the customer's body type to the computer screen, suggests **fashion shapes** for the

determined **body type**, and suggests fashion shapes to avoid wearing. This information can be printed on an attached printer or downloaded to diskette for printing at a later time.

Rose does not teach or even suggest about rules for selecting clothing combinations. For example, the above teaching refers to figure 3 of Rose. Figure 3 merely shows a fashion shape (not a clothing combination) based on the customer's body type. There is no teaching or even suggestion for "identifying a set of rules for selecting clothing combinations". Moreover, claim 1 includes the feature of "receiving an identification of a second article of clothing that satisfies the set of rules". Rose does not teach or even suggest this feature. Rose merely describes fashion shapes (e.g., "Jackets that fall four to seven inches look great. This style will camouflage the size difference and create a better proportioned figure.") that are associated with a body type (e.g., "petite with a large bust and small hips"). (Column 9, lines 53-62.) The selection, as taught by Rose, depends only on the body type. Thus, claim 1 is not anticipated by Rose.

Claims 2-3, 5, 6, 9-10, and 11 depend from claim 1 and thus are not anticipated by Rose for at least the above reasons. The Applicant requests reconsideration of claims 1-3, 5, 6, 9-11.

Claim Rejections – 35 USC § 103

Claims 1, 7 and 8 are rejected by the Office Action as being unpatentable over Rose. As discussed above, Rose does not teach or even suggest the features of claim 1. Claims 7 and 8 depend from claim 1. The Office Action takes official notice that it is a "notorious well known practice of comparing an owned piece of garment to one in a store, or between the garment one holds in one's closet"). It is unclear what is the precise teaching of the official notice. How does one compare different garments? Does one need to bring an owned piece of garment into the store to compare another piece of garment in the store? Because of these and other ambiguities, the Applicant requests for a reference to support the official notice. Moreover, the Office Action

does not establish prima facie obvious because the Office Action does not provide any motivation for combining the teachings of Rose with the official notice. Even if a motivation did exist, the combination would not render the claimed invention obvious because the official notice does not make up for the deficiencies of Rose. Thus, the Applicant requests reconsideration of claims 1, 7, and 8.

Claims 1 and 4 are rejected by the Office Action as being unpatentable over Rose in view of US 5,962,834 (Markman). As discussed above, Rose does not teach or even suggest the features of claim 1. Claim 4 depends from claim 1. Markman does not make up for the deficiencies of Rose. Thus, claim 4 is patentable over Rose in view of Markman for at least the above reasons. The Applicant requests reconsideration of claims 1 and 4.

CONCLUSIONS

The Applicant has added claims 36-38, which are supported by the specification as originally filed. It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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